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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,595	06/04/2002	Peter Ahnblad	1506-1002	3709
466 YOUNG & TH	7590 05/24/2007 HOMPSON		EXAMINER	
745 SOUTH 23RD STREET			MACNEILL, ELIZABETH	
2ND FLOOR ARLINGTON	. VA 22202		ART UNIT	PAPER NUMBER
			3767	
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			MAIL DATE	DELIVERY MODE
			05/24/2007	· PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

4) Claim(s) 1,3-8 and 21-28 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are objected to. 8) Claim(s) is/are objected to. 8) Claim(s) is/are objected to. 8) Claim(s) is/are objected to perticular or equirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.	-	Application No.	Applicant(s)				
Elizabeth R. MacNeill 3767 The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. SHOW THE ADDRESS AND THE CONTROL OF THIS COMMUNICATION. THO Denoid for reply is specified above, the maintain stations period will apply and will ought Skit (I) MONITHS from the maining date of this communication, reply of the state of the specified above, the maining date of this communication, reply find of the specified above, the maining date of this communication, count filmoly floor, may reduce any service prefer to maining date of this communication, count filmoly floor, may reduce any service prefer to make the service		10/069,595	AHNBLAD ET AL.				
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WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION Extensions of time may be available under the provisions of 3 CFR 1.135(a). The avent, however, they a capty be limity fitted after SX (b) MONTHS from the mailing date of this communication. Failine to give you which the stor consideration from the mailing date of this communication. Failine to give you which the stor consideration from the mailing date of this communication. Failine to give you which the stor consideration from the mailing date of this communication. even if temply flod, may reduce alony. Status 1 ∑ Responsive to communication(s) filed on 17 April 2007. 2a)∑ This action is FINAL. 2b) ☐ This action is non-final. 3 ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4 ∑ Claim(s) 1,3-8 and 21-28 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5 ◯ Claim(s) 1,3-8 and 21-28 is/are rejected. 7 ◯ Claim(s) is/are objected to by the Examiner. 9 ◯ The specification is objected to by the Examiner. 10 ◯ The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Application Papers 9 ◯ The otarwing(s) filed on is/are: a) accepted or b) objected to See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) ∑ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). 3 ◯ Copies of the certified copies of the priority documents have been received in Application No 1 ◯ Copies of the certified copies of the priority documents have been received in Application No 2 ◯ Cartified copies of the priority documents have been received in Application No 1 ◯ Notice of final priority action		ppears on the cover sheet with	the correspondence address	•			
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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 2. Claims 1,3,4,21,and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Birch et al (US 3,949,751)

Regarding claims 1-4,21, and 27, Birch teaches an outlet portion (3) capable of use as a nasal sprayer, with an outlet end (4), a connection end (at 16), a nozzle shaped channel with a generally internal hourglass shape (7).

Claim Rejections - 35 USC § 103

- 3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 4. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Birch as applied to claim 1 above, and further in view of Markus (US 5,843,043).

 Regarding claims 5-7, Birch teaches an outlet sprayer portion as above, but fails to teach a receptacle with a piston for holding and expelling rinsing liquid. Markus discloses a nasal rinser which uses a receptacle (11) for storing rinsing fluid and a plunger (29) to expel the liquid coupled with outlet tip (13). It would have been obvious

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to one of ordinary skill in the art at the time the invention was made to use the outlet of Birch with the dispenser of Markus in order to provide a means for dispensing a specific amount of treatment fluid (Col 2 line 54)

5. Claims 5,8,22, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Birch as applied to claims 1 and 21 above, and further in view of Flagg (US 1,507,475).

Regarding claims 5,8,22, and 24, Birch teaches an outlet sprayer portion as above, but fails to teach a flexible exterior balloon shape for holding and expelling rinsing liquid. Flagg discloses a nasal rinser which uses a receptacle (2) for storing rinsing fluid and which is flexible to expel the liquid coupled with outlet tip (5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the outlet of Birch with the dispenser of Flagg in order to provide a means cleaning the inner walls of the nose without pushing the rinsing fluid past the lower portion of the nostrils (lines 55-60)

6. Claims 23, 25,26, and 28 rejected under 35 U.S.C. 103(a) as being unpatentable over Birch.

Birch teaches the invention as claimed except for using silicone rubber as the material of the outlet portion. It is considered to be within the ordinary skill of one trained in the art to use a certain known material on the basis of its suitability for the intended use.

Response to Arguments

7. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth R. MacNeill whose telephone number is (571)-272-9970. The examiner can normally be reached on 9:00-5:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Sirmons can be reached on (571) 272-4965. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ERM

Mai WU 5/20/07

TATYANA ZALUKAEVA SUPERVISORY PRIMARY EXAMINER